

REMARKS

Claims 24-26, and 28-41 are pending in this application. By this Preliminary Amendment, claims 24, 25, 28-35, and 38-41 are amended, and claims 27 and 42 are canceled without prejudice or disclaimer. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Examiner is thanked for the courtesies extended to Applicants' representative at the March 14, 2006 personal interview. The points discussed are incorporated herein.

The Final Office Action for the above-identified application dated September 20, 2005 rejected claims 1-2 and 21-22 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter and rejected claims 1-22 under 35 U.S.C. §112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Further, the Office Action rejected 1-2 and 21-22 under 35 U.S.C. §102(e) as being anticipated by Vestergaard et al. (hereinafter "Vestergaard"), U.S. Patent Publication 2002/0146122; rejected claims 3-20 under 35 U.S.C. §103(a) as being unpatentable over Vestergaard in view of Chouraki et al., U.S. Patent No. 5,594,792; and rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over Vestergaard. Claims 1-23 have been canceled without prejudice or disclaimer, and thus these rejections are moot.

Added independent claim 24 has been amended in view of the personal interview to recite that the generated Digital Item is stored and/or transmitted. Accordingly, the claims as presented meet the requirements of 35 U.S.C. §101 and §112 based on the Patent Office's

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current guidelines for dealing with these types of rejections. Further, amended claims 24-26 and 28-41 also define over the applied prior art.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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